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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,499	06/14/2001	John W. Mason	56576.000	7773

7590 06/09/2004

DeWitt Ross & Stevens SC
Suite 401
8000 Excelsior Drive
Madison, WI 53717

EXAMINER

NI, SUHAN

ART UNIT PAPER NUMBER

2643

DATE MAILED: 06/09/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,499

Applicant(s)

MASON ET AL.

Examiner

Suhan Ni

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-11,15-18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-11,15-18 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>14</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the amendment dated 04/01/2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-3, 8, 15-18 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Schweizer (U. S. Pat. - 4,439,643).

Regarding claims 1, 8 and 15, Schweizer discloses a speaker enclosure system, comprising: a backbox (1) having an interior bounded by a peripheral edge; a grill (1') having a crimping edge being crimped about the peripheral edge; a speaker (9) affixed to an interior surface of the grille; and a sound baffle sheet (2) extending across the interior surface of the grille between the peripheral edge and the speaker, wherein the grille rests upon and extending across the peripheral edge whereby the entirety of the backbox is situated above and within the boundaries of the interior surface of the grille (Figs. 1-4) as claimed.

Regarding claims 2-3, Schweizer further discloses the speaker enclosure system, wherein the grille is releasable attached to the backbox (Figs. 1-4) as claimed.

Regarding claims 16-18 and 22, Schweizer further discloses the speaker enclosure system, wherein the baffle sheets have a speaker opening (Fig. 2) as claimed.

Regarding claim 21, Schweizer further discloses the speaker enclosure system, wherein the crimping edge is also crimped about the sound baffle as claimed (Figs. 1-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-6, 9-11, 20 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schweizer (U. S. Pat. - 4,439,643).

Regarding claim 4 and 9, Schweizer does not clearly teach that the backbox is molded as claimed. Since provided a molded plastic or form enclosure for a speaker system is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide a molded backbox for the speaker enclosure system as an alternate choice, in order to simplify the manufacturing processing and also make the system more durable.

Regarding claims 5-6 and 10, Schweizer does not clearly teach that the molded backbox is reinforced by fiberglass as claimed. Since providing reinforcement material for a molded plastic housing is very well know in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide any desirable reinforcement material, such as a fiberglass mesh for the enclosure or backbox as an alternate choice, in order to make

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the enclosure more durable, especially under some hazardous environment, such as under high temperature environment.

Regarding claims 11 and 23-25, Schweizer does not clearly teach that the molded backbox comprises material and detailed configuration as claimed. Since providing a thermal resistant material for a desirable enclosure or housing is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide any suitable thermal resistant material, such as metal or some thermal resistant plastic for the enclosure or backbox as an alternate choice, in order to make the system fully functioning and more durable under high temperature environment.

Regarding claim 20, Schweizer does not clearly teach that the backbox has an electrical supply as claimed. Since providing any desirable electrical connecting means for a speaker system is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide suitable electrical connecting means for the speaker of the speaker enclosure system, in order to provide driving power for the speaker to generate sound.

Response to Amendment

4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

6. Any response to this final action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE"), or

(703) 305-9508, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

**Receptionist, Sixth Floor,
Crystal Park II,
2121 Crystal Drive,
Arlington, Virginia 22202**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Suhan Ni** whose telephone number is **(703)-308-9322**, and the

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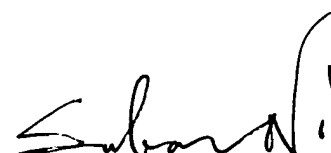
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number for fax machine is (703)-305-9508. The examiner can normally be reached on Monday through Thursday from 9:00 am to 7:30 pm. If it is necessary, the examiner's supervisor, **Curtis Kuntz**, can be reached at (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

Suhan Ni
Primary Examiner
Art Unit 2643
USPTO

June 02, 2004


SUHAN NI
PRIMARY EXAMINER